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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,391	08/02/2001	Robert F. Mori	06145/017001 (P6155)	5982
22511	7590	02/14/2005	EXAMINER	
OSHA & MAY L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			GELIN, JEAN ALLAND	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,391

Applicant(s)

MORI, ROBERT F.

Examiner

Jean A Gelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/2/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims [c1], [c2], ... [c22] should be renumbered --1, 2, ... 21, 22, respectively--.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 8-16, 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolff (US 5,946,050).

Regarding claims 1, 12, and 13, Wolff teaches a method for recording an audio broadcast by user preference (col. 2, lines 32-44), comprising: recording an audio broadcast (col. 1, lines 65-67); converting the audio broadcast to a text media (i.e., voice recognition driver to convert speech to text, and keywords are phonically stored, col. 3, line 65 to col. 4, line 16); searching the text media for a designated user preference (search for keywords, col. 4, lines 25-36, 47-54); and saving the audio

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broadcast when the designated user preference is found in the text media (col. 5, lines 4-17).

Regarding claims 2, 14, Wolff teaches wherein the audio broadcast is recorded digitally (i.e., personal computer stores incoming audio signal in RAM, col. 4, lines 25-36 corresponding to digitally recorded).

Regarding claims 3, 15, Wolff teaches wherein the audio broadcast is a radio broadcast (col. 3, 1-8).

Regarding claims 4, 16, Wolff teaches wherein the audio broadcast is an internet broadcast (col. 2, lines 20-28).

Regarding claims 8, 20, Wolff teaches wherein the audio broadcast is converted to text media by voice recognition techniques (col. 3, line 60 to col. 4, lines 17).

Regarding claim 9, Wolff teaches wherein the text media is searched for the designated user preference with a search agent (col. 4, lines 37-65).

Regarding claims 10, 21, Wolff teaches wherein the designated user preference is a key word (col. 4, lines 30-46).

Regarding claims 11, 22, Wolff teaches wherein the audio broadcast is saved as part of a program, the program comprising at least one additional saved audio broadcast (col. 5, lines 4-35).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of Wheeler (US 6,490,686).

Regarding claims 5-7 and 17-19, Wolff teaches wherein the audio broadcast is a memory storage media broadcast, wherein the memory storage media is a compact disc, and wherein the memory storage media is a digital versatile disc.

However, the preceding limitations are known in the art of communications. Wheeler teaches a type of devices in which the audio information is broadcasted or recorded such as DVD and CD (col. 3, lines 18-65). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Wheeler within the system of Wolff in order to provide an efficient and inexpensive method and apparatus to protect the contents of DVD and CD.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsumoto	US 5,862,104	01/19/1999
Saindon et al.	US 2002/0161578	10/31/2002
Menard et al.	US 6,810,526	10/26/2004
Nabha et al.	US 2002/0044633	04/18/2002
Andrews	US 2002/0067805	06/06/2002
Kahn	US 2002/0143531	10/03/2002

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Stepp et al.	US 6,363,440	03/26/2002
Coden et al.	US 6,816,858	11/09/2004
Covel et al.	US 6,782,186	08/24/2004

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (703) 306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
February 9, 2005

JEAN GELIN
PRIMARY EXAMINER

Jean Allard Gelin